REMARKS

Summary of the Office Action

The drawings stand objected to because of informalities.

Claims 1, 3 and 4 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Tanaka* (U.S. Patent No. 5,619,521).

Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tanaka*.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 4 to differently describe the invention. Accordingly, claims 1-5 remain pending.

In addition, Applicants submit concurrently herewith a Request for Approval of Drawing Change. Attached hereto is a marked-up version of the changes made by the current amendment. The attached page is captioned, "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Objection to the Drawings

Fig. 1 stands objected to because it is not labeled as "Prior Art." In a Request for Drawing Changes filed concurrently herewith, Applicants propose to amend the drawing by labeling Fig. 1 as "Prior Art." Accordingly, Applicants respectfully request that the objection to Fig. 1 be withdrawn.

The Rejections under 35 U.S.C. §§102(e) and 103(a)

Claims 1, 3 and 4 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Tanaka*. Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tanaka*. To the extent that these rejections might still apply to the claims as newly amended, it is respectfully traversed as being based upon a reference that neither teaches nor suggests the invention currently being claimed for at least the following reasons.

With respect to independent claim 1, as newly-amended, Applicants respectfully submit that *Tanaka* does not teach or suggest the claimed combination comprising a plurality of light emitting portions formed on a substrate for emitting laser beams to be irradiated to a recording medium in a same emitting direction, with the laser beams having different wavelengths so as to correspond to different types of recording medium.

Tanaka discloses a laser diode chip having three light emitting parts LD1 to LD3. As shown in Figs. 2(a) and 2(b) of *Tanaka,* the three emitting parts LD1 to LD3 emit laser beams in the same emitting direction.

However, the emitting part LD1 emits a laser beam for detecting an RF signal indicative of the state of a pit formed on an optical disk. The emitting part LD2 emits a laser beam for detecting a tracking error signal in cooperation with the laser beam of LD1. The emitting part LD3 emits a laser beam for detecting a focusing error signal in cooperation with the laser beam of LD1. Thus, in such an arrangement, the three light emitting parts LD1 to LD3 always emit the laser beams for reading from or writing to the optical disk, such that the three laser beams are not selectively emitted.

Therefore, Applicants respectfully submit that *Tanaka* does not teach or suggest that the laser beams emitted from the three light emitting parts LD1 to LD3 "have different wavelengths," as recited by newly-amended claim 1. Further, Applicants respectfully submit that *Tanaka* does not teach or suggest that the three light emitting parts LD1 to LD3 are arranged to "correspond to different types of recording medium," as recited by the newly-amended claim 1.

For similar reasons set forth above, with regard to independent claim 4, as newly-amended, Applicants respectfully submit that *Tanaka* does not teach or suggest the claimed combination including a plurality of light emitting portions for emitting laser beams to be irradiated to a recording medium are formed on a substrate, with the laser beams having different wavelengths and are selectively emitted in a same emitting direction from one of said plurality of light emitting portions in accordance with the type of said recording medium.

Accordingly, for at least these reasons, Applicants respectfully assert that the rejections of independent claims 1 and 4 under 35 U.S.C. §102(b) should be withdrawn because the applied reference does not teach or suggest each and every feature of independent claims 1 and 4. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the rejections of claim 2, 3 and 5 should be withdrawn at least because of their dependence upon respective independent claims 1 and 4, and for the reasons set forth above.

With no other rejections pending, Applicants respectfully assert that claims 1-5 are in condition for allowance.

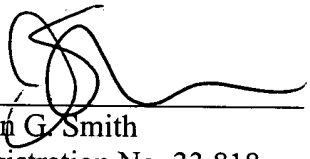
Conclusion

In view of the foregoing, Applicants respectfully request the reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 1 and 4 as follows:

1. (Amended) A laser diode chip for an optical pickup apparatus in which a plurality of light emitting portions are formed on a substrate for emitting laser beams [having different wavelengths] **to be irradiated to a recording medium** in a same emitting direction **and the laser beams have different wavelengths so as to correspond to different types of recording medium**,

wherein respective light emitting points of said plurality of light emitting portions are located at different positions in the emitting direction.

4. (Amended) An optical pickup apparatus comprising:

a light emitting device in which a plurality of light emitting portions for emitting laser beams [having different wavelengths] **to be irradiated to a recording medium** are formed on a substrate, and the laser beams **have different wavelengths and** are selectively emitted in a same emitting direction from one of said plurality of light emitting portions **in accordance with the type of said recording medium**; and

an optical system for guiding the laser beams emitted from said light emitting device to a recording surface of [a] **said** recording medium and guiding a laser beam reflected by the recording surface of said recording medium to a photosensing device,

wherein said light emitting device is constructed so that respective light emitting points of said plurality of light emitting portions are located at different positions in the emitting direction.